

Pole Attachments: Advancing National Broadband Objectives Via Mobile Infrastructure

March 11, 2011



T-Mobile's Network Infrastructure

- Largest 4G network in the U.S. today, reaching over 80 major metropolitan areas across the U.S.
 - 4G network reaches over 200 million people in 100 major metropolitan areas.
 - 2G network reaches over 297 million people throughout the country.
- T-Mobile has about 55,000 sites throughout the country, which includes traditional towers and roof-top antennas as well as wireless facility attachments to electric utility distribution poles, such as pole top attachments, Distributed Antenna Systems, and other applications.
- Access to poles can, does, and will help T-Mobile continue to deploy and extend 3G and 4G wireless broadband services.

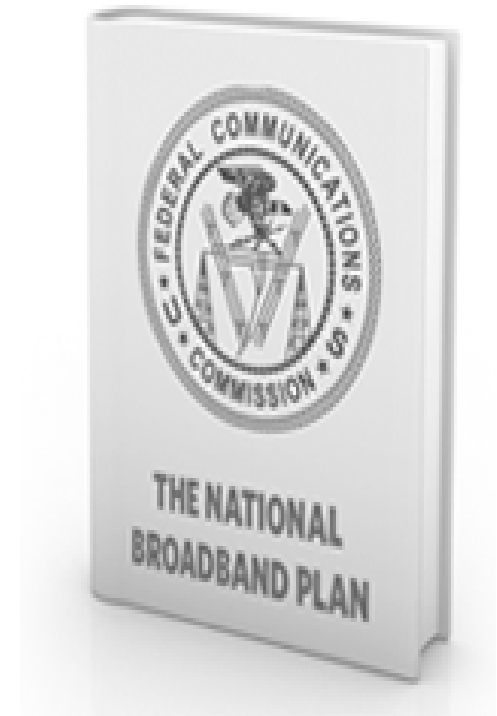


Help us celebrate
America's largest 4G network™



Advancing Broadband Deployment

- T-Mobile supports the National Broadband Plan's goals for pole attachments:
 - Regularity
 - Predictability
- Wireless broadband deployment will be advanced with the proposed reforms in the Order and FNPRM.
- FCC has a unique opportunity to reiterate the fundamental right of CMRS providers, as telecommunications providers, to have non-discriminatory access to utility distribution poles and that states must provide CMRS access in order to certify that they regulate the rates, terms, and conditions of pole attachments.



T-Mobile's Experience

- Attaching wireless facilities to utility distribution poles enables us to expand coverage in hard-to-serve areas.
- Across most regions of the country, T-Mobile has successfully attached wireless facilities to hundreds of electric utility distribution poles, including:
 - panel antennas in communications space
 - pole top antennas
 - mounted equipment cabinets
- T-Mobile's perspective is different from that of a DAS provider who does not operate a nationwide wireless broadband network for the benefit of end-users.
- Challenges remain in some states and regions and with certain utilities.



Northern California

Big Access Challenges Remain

- In violation of Section 224, T-Mobile frequently has been denied its fundamental right to access to utility distribution poles.
- Because most electric utilities take the position, notwithstanding WTB's public notice, that CMRS providers are not telecommunications providers,
 - processes for access are often not defined,
 - pole attachment agreements for wireless providers rarely exist and are rarely made publicly available,
 - timelines for approvals are often unpredictable or undefined, and
 - costs associated with design and engineering approvals are not consistently documented and inevitably make attachments cost prohibitive.
- Utilities often raise unsubstantiated claims related to the safety of existing wireless attachments to significantly delay or foreclose future access while continuing to install similar facilities for their own use.
- Utilities also raise lack of uniform wireless equipment as a basis for not treating wireless providers as telecommunications providers and denying access.

Challenges in Certified and FCC Default States

In the majority of certified states:

- Access by CMRS providers is not typically expressly provided for in rules or statutes:
 - types of poles accommodated and location of CMRS facilities restricted by electric utilities
 - no placement on poles with primary power
 - no pole top access
- A state utility commission's authority may limit jurisdiction of CMRS providers and thereby be perceived as an impediment for state to address CMRS issue regarding denial of access to utility distribution pole.
- States find it difficult to appropriately discharge their duty to protect the public interest regarding use of the public rights of way without seeking full jurisdiction over the CMRS provider and thereby have conflicted with market-entry prohibitions under Section 332 of the Telecom Act.

In FCC Default states:

- T-Mobile's experience typically varies by electric utility in FCC-default states in that some acknowledge CMRS providers as telecommunications providers and some do not.
 - Georgia - No electric utility has been willing to accommodate access to any facilities including raw land for the placement of a dropped pole.
 - Virginia - T-Mobile has seen a regression in willingness by certain electric utilities to accommodate access to utility distribution poles as they have in the past.
 - Florida - T-Mobile has attachments with one electric utility but not another, and storm hardening procedures adopted via the FPSC have practically precluded any opportunity for wireless attachments to utility distribution poles.

Success Stories

- Vermont, Utah, California, Massachusetts, and Oregon have led the way by expressly providing for non-discriminatory access to utility distribution poles for CMRS providers.
- Connecticut proposed a favorable decision after six years.
- Some states have gone further by not unnecessarily limiting the location of facilities and types of poles that can be granted access.
- Some states have acknowledged the convergence of technologies in the context of adoption of one rate formula following the cable rate with calculations for usage for all attachments, which is consistent with the National Broadband Plan's goal of furthering mobile broadband deployment.



Pennsylvania

What the FCC Can Do to Help



Incorporate language (similar to the statements made in the FCC's 2004 PN) that CMRS carriers have the same rights as any other telecommunications provider to access utility distribution poles, including pole tops.

Ensure Predictability, Transparency, and Regularity

- **PREDICTABILITY**

The FCC should adopt a rebuttable presumption that wireless attachments are safe if in compliance with all applicable codes and governing regulations, including the National Electric Safety Code, the National Electrical Code, the Telecordia Blue Book—Manual of Construction Procedures, and the Occupational Safety and Health Administration.

It should apply the general make-ready timeline for "wired" services to wireless services.

- **TRANSPARENCY**

The FCC should require all utilities to adopt and make publicly available form agreements that provide for wireless pole attachments on a non-discriminatory basis at fair and reasonable rates, terms, and conditions.

- **REGULARITY**

The FCC should adopt enforcement procedures that are swift and provide appropriate penalties for noncompliance, including compensatory damages.



Thank You!

